

AMENDED IN SENATE MAY 16, 2006

AMENDED IN SENATE MARCH 27, 2006

SENATE BILL

No. 1556

Introduced by Senator Torlakson

(Principal coauthor: Assembly Member Wolk)

(Coauthors: Senators Chesbro, Machado, and Ortiz)

(Coauthor: Assembly Member Jones)

February 23, 2006

An act to add Chapter 12 (commencing with Section 5852) to Division 5 of the Public Resources Code, and to amend Section 99234 of the Public Utilities Code, relating to parks and recreation, ~~and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1556, as amended, Torlakson. Parks: The Great California Delta Trail System.

Existing law establishes the Delta Protection Commission to preserve, protect, maintain, and enhance the Sacramento-San Joaquin Delta region's environmental resources and quality, including preserving and protecting agriculture, wildlife habitats, open spaces, outdoor recreational activities, public access, and use of public lands.

This bill would additionally require the Delta Protection Commission to establish a continuous recreation corridor, including a bicycle and hiking ~~trail~~ trails, around ~~the perimeter~~ of the delta, as defined.

Existing law requires local transportation planning agencies to allocate funds in the local transportation fund, as defined, for establishing and maintaining pedestrian and bicycle trails. Existing law authorizes the Metropolitan Transportation Commission to

allocate those funds to establish a recreation corridor, including a bicycle and hiking trail, around the perimeter of the San Francisco and San Pablo Bays.

This bill would authorize the transportation planning agencies that allocate those funds to the cities and counties with jurisdiction or a sphere of influence within the delta, to allocate those funds to the Delta Protection Commission for specified activities around the delta.

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature hereby finds all of the
2 following:

3 (1) The Great California Delta region is a wondrous state and
4 national treasure, with its natural resources and fertile soils for
5 agriculture, its access to recreation and science research, and its
6 rich history and beauty.

7 (2) The California Delta provides two-thirds of the state's
8 drinking and irrigation water, that flows through the delta's over
9 1,000 miles of waterways, levees, and shoreline.

10 (3) The California Delta is of great ecological significance,
11 with its two most prominent waterways, the Sacramento and the
12 San Joaquin Rivers, carrying fresh water from the Sierra Nevada
13 Range and the Central Valley to the San Francisco Bay.

14 (4) The California Delta is a key part of the Pacific Flyway,
15 and its rich ecosystem serves as home to thousands of unique
16 birds, fish, animals, and plants, and is enjoyed by outdoor
17 enthusiasts, water-sport fans, hunters, fishermen and naturalists.

18 (5) The California Delta is a complicated and fragile system
19 that needs the appreciation and protection of future generations
20 of Californians.

21 (6) The California Delta is characterized by its numerous
22 scenic waterways, levee-top roadways, historic towns, idyllic
23 marinas, and eucalyptus tree windrows.

24 (7) There are 22 public recreation areas in the Sacramento-San
25 Joaquin Delta region, with fishing, park day use facilities,
26 campgrounds, trails and boating access that support numerous

1 recreational activities including boating, water skiing, jet skiing,
2 windsurfing, sailing, fishing, relaxing, hiking and jogging,
3 horseback riding, swimming, picnicking, and cycling.

4 (8) California is challenged by a growing obesity crisis and
5 state and local leaders must address the need for more
6 opportunities for exercise, movement, and recreation in public
7 settings.

8 (9) The Delta Protection Commission surveys have found that
9 there are unmet recreational needs in the delta region, including a
10 trail for bicycling and hiking, around the perimeter of the
11 Sacramento-San Joaquin Delta.

12 (10) A bicycle and pedestrian trail along the perimeter would
13 provide an important link between the people of California and
14 one of our most precious natural resources.

15 (11) A bicycle and pedestrian trail connecting the delta region,
16 with adjacent areas, would provide a great link between our
17 fascinating delta communities and foster a connection between
18 our rich histories and present challenges.

19 (b) The Legislature declares its support for the creation of a
20 California Delta Trail, linking the San Francisco Bay Trail
21 system to the present and future trailways around the perimeter
22 of the delta, including but not limited to, the delta's shorelines in
23 Contra Costa, San Joaquin, Solano, Sacramento and Yolo
24 Counties.

25 SEC. 2. Chapter 12 (commencing with Section 5852) is
26 added to Division 5 of the Public Resources Code, to read:

27
28 CHAPTER 12. THE GREAT CALIFORNIA DELTA TRAIL SYSTEM
29

30 5852. "Delta" means the Sacramento-San Joaquin Delta, as
31 defined in Section 12220 of the Water Code minus the area
32 contained in Alameda County.

33 5853. "Commission" means Delta Protection Commission as
34 defined in Section 29721.

35 5854. (a) ~~The~~*In accordance with the requirements of*
36 *subdivision (c), the* commission shall develop and adopt a plan
37 and implementation program, including a finance and
38 maintenance plan, for a continuous regional recreational corridor
39 that will extend around ~~the perimeter of the delta, including, but~~
40 not limited to, the delta's shorelines in Contra Costa, Solano, San

1 Joaquin, Sacramento and Yolo Counties. This plan shall include
2 a specific route of a bicycling and hiking trail, the relationship of
3 the route to existing *and proposed* park and recreational facilities
4 and land and water trail systems, and links to existing and
5 proposed public transportation *and transit*. *The transportation*
6 *and transit links may include, but are not limited to, roadside bus*
7 *stops, transit facilities, and transportation* facilities. The
8 continuous regional recreational corridor planned and executed
9 pursuant to this chapter shall be called the Great California Delta
10 Trail. *The continuous regional recreational corridor shall*
11 *include, but not be limited to, bikeway systems, and hiking and*
12 *bicycling trails.*

13 (b) The Great California Delta Trail plan shall do all of the
14 following:

15 (1) Provide that designated environmentally sensitive areas,
16 including wildlife habitats and wetlands, shall not be adversely
17 affected by the trail.

18 (2) Provide for appropriate buffer zones along those portions
19 of the bikeway system adjacent to designated environmentally
20 sensitive areas and areas with private uses, when appropriate.

21 (3) Provide that the land and funds used for any purposes
22 under this chapter are not considered mitigation for wetlands
23 losses.

24 (4) Provide alternative routes to avoid impingement on
25 environmentally sensitive areas *and areas with private uses,*
26 *when appropriate.*

27 (5) Provide that no motorized vehicles, except to the extent
28 necessary for emergency services, *including, but not limited to,*
29 *medical and structural emergencies, and for handicap access,* be
30 allowed on the trail.

31 ~~(6) Provide an alternate, nonmotorized commute option for~~
32 ~~delta residents.~~

33 (c) The commission *may develop and adopt the plan and the*
34 *implementation program if it receives sufficient funds to finance*
35 *the full costs of developing and adopting the plan. The*
36 *Commission* shall submit the plan *and the implementation*
37 *program* to the Legislature and each of the counties within the
38 commission's service area ~~not later than July 1, 2008~~ *not later*
39 *than two years after the Commission determines that sufficient*

1 *funds will be available to complete the plan and implementation*
2 *program.*

3 *(d) The commission shall administer the funds used in the*
4 *planning of the trail.*

5 5855. (a) The commission shall establish a ~~policy technical~~
6 *advisory committee that shall ~~provide oversight for~~ review the*
7 *trail's planning, implementation, and funding proposals. The*
8 *committee shall include members and staff of appropriate*
9 *regional government associations ~~and environmental and~~*
10 *~~recreation organizations~~, local jurisdictions, and districts.*
11 *Participation in the committee is voluntary and its members are*
12 *not eligible for reimbursement from the state for costs incurred*
13 *to participate. The committee may make recommendations, to the*
14 *Commission, on the trail's planning, implementation, and*
15 *funding. The executive director of the Commission shall convene*
16 *the meetings of the committee.*

17 (b) A cooperative working relationship shall be established
18 with state and federal agencies, and all other cities, counties,
19 districts, including school districts, and regional government
20 associations that are affected by the proposed trail.

21 (c) The commission shall establish ~~an~~ *a stakeholder* advisory
22 committee representing groups concerned with environmental
23 and ecological protection of the delta, groups representing
24 agricultural, private, and other business uses of the delta's
25 ~~surrounding~~ *land and water*, and groups representing bicycling,
26 walking, boating, horseback riding, and other relevant
27 recreational activities. *The stakeholder advisory committee shall*
28 *advise the Commission on the trail's impacts on and uses for*
29 *committee member constituencies. Participation in the committee*
30 *is voluntary and its members are not eligible for reimbursement*
31 *from the state for costs incurred to participate. The committee*
32 *may make recommendations, to the Commission, on the trail's*
33 *planning, implementation, and funding. The executive director of*
34 *the Commission shall convene the meetings of the stakeholder*
35 *advisory committee.*

36 (d) *The meetings of the committees established in subdivisions*
37 *(a) and (c) shall be subject to the provisions of the Bagley-Keene*
38 *Open Meeting Act (Article 9 (commencing with Section 11120) of*
39 *Chapter 1 of Part 1 of Division 3 of Title 2 of the Government*
40 *Code).*

1 SEC. 3. Section 99234 of the Public Utilities Code is
2 amended to read:

3 99234. (a) Claims for facilities provided for the exclusive use
4 of pedestrians and bicycles or for bicycle safety education
5 programs shall be filed according to the rules and regulations
6 adopted by the transportation planning agency.

7 (b) The money shall be allocated for the construction,
8 including related engineering expenses, of those facilities
9 pursuant to procedures or criteria established by the
10 transportation planning agency for the area within its jurisdiction,
11 or for bicycle safety education programs.

12 (c) The money may be allocated for the maintenance of
13 bicycling trails that are closed to motorized traffic pursuant to
14 procedures or criteria established by the transportation planning
15 agency for the area within its jurisdiction.

16 (d) The money may be allocated without respect to Section
17 99231 and shall not be included in determining the
18 apportionments to a city or county for purposes of Sections
19 99233.7 to 99233.9, inclusive.

20 (e) Facilities provided for the use of bicycles may include
21 projects that serve the needs of commuting bicyclists, including,
22 but not limited to, new trails serving major transportation
23 corridors, secure bicycle parking at employment centers, park
24 and ride lots, and transit terminals where other funds are
25 unavailable.

26 (f) Notwithstanding any other provision of this section, a
27 planning agency established in Title 7.1 (commencing with
28 Section 66500) of the Government Code may allocate the money
29 to the Association of Bay Area Governments for activities
30 required by Chapter 11 (commencing with Section 5850) of
31 Division 5 of the Public Resources Code.

32 (g) Notwithstanding any other provision of this section, the
33 transportation planning agencies that allocate funds, pursuant to
34 this section, to the cities and counties with jurisdiction or a
35 sphere of influence within the delta, as defined in Section 5852
36 of the Public Resources Code, may allocate the money to the
37 Delta Protection Commission for activities required by Chapter
38 12 (commencing with Section 5852) of Division 5 of the Public
39 Resources Code.

1 (h) Within 30 days after receiving a request for a review from
2 any city or county, the transportation planning agency shall
3 review its allocations made pursuant to Section 99233.3.

4 (i) In addition to the purposes authorized in this section, a
5 portion of the amount available to a city or county pursuant to
6 Section 99233.3 may be allocated to develop a comprehensive
7 bicycle and pedestrian facilities plan, with an emphasis on
8 bicycle projects intended to accommodate bicycle commuters
9 rather than recreational bicycle users. An allocation under this
10 subdivision may not be made more than once every five years.

11 (j) Up to 20 percent of the amount available each year to a city
12 or county pursuant to Section 99233.3 may be allocated to
13 restripe class II bicycle lanes.

14 ~~SEC. 4. This act is an urgency statute necessary for the~~
15 ~~immediate preservation of the public peace, health or safety~~
16 ~~within the meaning of Article IV of the Constitution and shall go~~
17 ~~into immediate effect. The facts constituting necessity are:~~

18 ~~In order to permit the development of a continuous recreational~~
19 ~~corridor around the perimeter of the California Delta, to provide~~
20 ~~urgently needed recreational facilities at the earliest possible~~
21 ~~time, and to allow the Delta Protection Commission sufficient~~
22 ~~time to prepare the required plan, it is necessary that this act take~~
23 ~~effect immediately.~~